

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/725,054  
Attorney Docket No. Q78579

### **REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1, 2, 5, 6, 9 and 10 have been amended. New claims 13-18 have been added. Claims 1-18 are now pending in the application. Applicant thanks Examiner for the indication that claims 2-4, 6-8 and 10-12 are deemed allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

### **Claim Objections**

Claims 5-8 were objected to because of alleged informalities. As suggested by the Examiner, the minor informality in claim 5, line 13 is corrected by changing “the image” to -- images--.

### **Rejections Under 35 U.S.C. § 102(b) & (e) and 35 U.S.C. § 103(a)**

Claims 1 and 9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bell et al. (U.S. Patent Number 5,103,254). Claims 1 and 9 were also rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Baron U.S. Patent Application Publication Number US 2003/0002870 A1). Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baron in view of Suzuki (U.S. Patent Number 5,847,836) and optionally further in view of Terane et al. (U.S. Patent Number 6,734,909 B1).

Claims 1, 5 and 9 have been amended to include that which the Examiner has indicated as the primary reason for indication of patentability. Specifically, claims 1, 5 and 9, as amended, include the element of comparing a frequency spectrum of the inputted image data with a

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threshold for in-focus determination, and determining an area that has most frequency components whose levels are higher than the threshold, as the in-focus location. Additionally, claims 2, 6 and 10 have been amended to accordingly remove redundantly claimed elements. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) & (e) and 35 U.S.C. § 103(a) are respectfully requested.

**Newly Added Claims**

Claims 13-18 are newly added by this Amendment and are believed to be in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

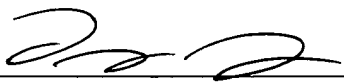
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